

THIRTY-EIGHTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative Floyd Crain of Lauderdale County.

Representative Crain led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 95

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

The Speaker announced that Representative Bragg was excused because of legislative business.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 344, 494, 502, 585, 604, 776, 787, 864, 875, 984, 1155, 1170, 1176, 1179, 1195, 1257, 1269, 1278 and 1279; and House Joint Resolution Nos. 76, 105, 150, 151, 155, 156, 157, 158, 161, 162, 164, 168, 169, 184 and 192, with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 279, 711, 851, 947, 1092, 1158, 1161, 1162, 1326 and 1331; and House Joint Resolutions Nos. 13, 160, 222 and 229; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith House Bills Nos. 855 and 971, with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 499, 626, 815, 859, 1055; and House Joint Resolution No. 143 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

Mr. Speaker McWherter relinquished the chair to Ms. DeBerry, Speaker pro tem.

CALENDAR

House Bill No. 727--To make certain provisions, child custody.

Mr. Davis (Gibson) moved that House Bill No. 727 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 727 by renumbering section 2 to be section 3 and adding the following new section 2:

Section 2. Tennessee Code Annotated, Section 36-1303, is further amended by deleting subdivision (2) (A) and subdivision (3) from subsection (a) and by inserting a new subdivision (2) (A) in subsection (a) to read as follows:

(2) (A) It appears that this state is the more appropriate forum to determine the custody of the child; and

On motion, the amendment was adopted.

Thereupon, House Bill No. 727, as amended, passed its third and final consideration by the following vote:

Ayes	88
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--88.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Ms. Speaker pro tem DeBerry relinquished the Chair to Mr. Stafford, Speaker pro tem.

House Bill No. 946--To make certain provisions, enforcement of tax liens.

On motion, House Bill No. 946 was made to conform with Senate Bill No. 867.

On motion, Senate Bill No. 867, on same subject, was substituted for House Bill No. 946.

Mr. Pickering moved that Senate Bill No. 867 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--92.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Speaker pro tem Stafford relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 642--To regulate consumption of alcoholic beverages, certain places.

On motion, House Bill No. 642 was made to conform with Senate Bill No. 703.

On motion, Senate Bill No. 703, on same subject, was substituted for House Bill No. 642.

Ms. DeBerry moved that Senate Bill No. 703 be passed on third and final consideration.

Mr. Chiles moved the previous question, which motion prevailed by the following vote:

Ayes	60
Noes	15
Present and not voting	5

Representatives voting aye were: Anderson, Bell, Bewley, Buck, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington,

Davidson, DeBerry, Disspayne, Drew, Ellis, Elsea, Frensley, Gaia, Gill, Hassell, Hillis, Hudson, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Napier, Owen, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Webb, Wheeler, Whitson, Williams, Work and Yelton--60.

Representatives voting no were: Atchley, Byrd, Dills, Duer, Ford, Gafford, Harrill, Hurley, Huskey, Kelley, Nance, Scruggs, Shirley, Turner and Wolfe--15.

Representatives present and not voting were: Davis (Gibson), Herndon, Kisber, Ussery and Wallace--5.

Thereupon, Senate Bill No. 703, passed its third and final consideration by the following vote:

Ayes	57
Noes	25
Present and not voting	11

Representatives voting aye were: Bewley, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Hamilton), DeBerry, DePriest, Disspayne, Drew, Ellis, Elsea, Frensley, Gaia, Hassell, Hudson, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Phillips, Pickering, Pruitt, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Sir, Smith, Tanner, Ussery, Webb, Wheeler, Williams, Wix and Yelton --57.

Representatives voting no were: Atchley, Bell, Bivens, Byrd, Davis (Pickett), Dills, Duer, Ford, Gafford, Gill, Harrill, Henry, Hillis, Hurley, Huskey, Kelley, McAfee, Nance, Robinson (Washington), Shirley, Shockley, Stallings, Turner, Wolfe and Wood--25.

Representatives present and not voting were: Anderson, Clark (Sumner), Copeland, Davis (Gibson), Herndon, Jared, Percy, Rhinehart, Stafford, Wallace and Whitson--11.

A motion to reconsider was tabled.

House Bill No. 957--To amend Section 65-502, Code.

On motion, House Bill No. 957 was made to conform with Senate Bill No. 847.

On motion, Senate Bill No. 847, on same subject, was substituted for House Bill No. 957.

Mr. Starnes moved that Senate Bill No. 847 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	2
Present and not voting	3

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton --89.

Representatives voting no were: Copeland and Scruggs--2.

Representatives present and not voting were: McAfee, Nance and Phillips--3.

A motion to reconsider was tabled.

Mr. Rhinehart moved that House Bill No. 454 be placed on the next available Calendar, which motion prevailed.

House Bill No. 774--To amend Title 57, Chapter 4, Section 102, Code.

On motion, House Bill No. 774 was made to conform with Senate Bill No. 768.

On motion, Senate Bill No. 768, on same subject, was substituted for House Bill No. 774.

Mr. Kernell moved that Senate Bill No. 768 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	73
Noes	14
Present and not voting	4

Representatives voting aye were: Bewley, Bivens, Brewer, Buck, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Disspayne, Drew, Duer, Ellis, Elsea, Frensley, Gafford, Gaia, Hassell, Henry, Herndon, Hillis, Hudson, Jared, Johnson, Jones, Kent, Kernell, King (Shelby),

King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Stallings, Starnes, Tanner, Ussery, Webb, Wheeler, Whitson, Williams, Wix, Wood, Work and Yelton--73.

Representatives voting no were: Atchley, Bell, Byrd, Dills, Ford, Gill, Harrill, Hurley, Huskey, McAfee, Shirley, Shockley, Turner and Wolfe--14.

Representatives present and not voting were: Kelley, Nance, Stafford and Wallace--4.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 201--To amend Workers Compensation Law.

On motion, House Bill No. 201 was made to conform with Senate Bill No. 60.

On motion, Senate Bill No. 60, on same subject, was substituted for House Bill No. 201.

Mr. McKinney moved that Senate Bill No. 60 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	75
Noes	17
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dissspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Sir, Smith, Stallings, Starnes, Tanner, Turner, Ussery, Webb, Wheeler, Whitson, Williams, Wix, Wood, Work and Yelton--75.

Representatives voting no were: Anderson, Atchley, Buck, Chiles, Copeland, Crain, Dills, Hudson, Kelley, Kent, McAfee, Nance, Percy, Severance, Shirley, Stafford and Wolfe--17.

Representative present and not voting was: Wallace--1.

A motion to reconsider was tabled.

Mr. King (Washington) moved that House Bill No. 696 be placed on the Calendar for January, 1984, which motion prevailed.

House Bill No. 343--To prohibit massage for compensation.

On motion, House Bill No. 343 was made to conform with Senate Bill No. 158.

On motion, Senate Bill No. 158, on same subject, was substituted for House Bill No. 343.

Mr. Davis (Hamilton) moved that Senate Bill No. 158 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 158 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. It shall be unlawful for a masseur or masseuse to expose his or her erogenous area for compensation or to touch with any part of his or her body, or fondle in any manner or massage an erogenous area for compensation. The provisions of this act shall not apply to any person authorized by the laws of this state to practice any branch of medicine, surgery, osteopathy, chiropractory or chiropody, any person holding a Drugless Practitioner's certificate or any person licensed as a physical therapist, while such person is acting within the scope of his license.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 158 by deleting SECTION 3 and substituting instead the following:

Any person who shall violate the provisions of this act shall, upon conviction, be guilty of a misdemeanor and upon conviction of a first such offense, be punished by a fine of fifty dollars (\$50.00) or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and upon conviction of a second such offense, by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than sixty (60) days, or by both such fine and imprisonment, and upon conviction of a third or subsequent such offense, by a fine of not more than five hundred dollars (\$500) or imprisonment for not

more than eleven (11) months and twenty-nine (29) days, or by both such fine and imprisonment.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 158, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0
Present and not voting	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

A motion to reconsider was tabled.

House Bill No. 766--To amend Section 57-4-102 (e), Code.

On motion, House Bill No. 766 was made to conform with Senate Bill No. 788.

On motion, Senate Bill No. 788, on same subject, was substituted for House Bill No. 766.

Mr. Cobb moved that Senate Bill No. 788 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	66
Noes	25
Present and not voting	4

Representatives voting aye were: Bewley, Bivens, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Disspayne, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Hassell, Henry, Herndon, Hudson, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs,

Severance, Sir, Smith, Tanner, Ussery, Webb, Wheeler, Whitson, Williams, Wix and Yelton--67.

Representatives voting no were: Atchley, Bell, Byrd, Davis (Pickett), Dills, Duer, Elsea, Ford, Gafford, Harrill, Hillis, Hurley, Huskey, Kelley, McAfee, Nance, Robertson, Shirley, Shockley, Stallings, Turner, Wallace, Wolfe, Wood and Work--25.

Representatives present and not voting were: Anderson, Percy, Stafford and Starnes--4.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 352--To make provisions, investment of certain idle funds.

On motion, House Bill No. 352 was made to conform with Senate Bill No. 606.

On motion, Senate Bill No. 606, on same subject, was substituted for House Bill No. 352.

Mr. Copeland moved that Senate Bill No. 606 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 606 by deleting from the amendatory language of Section 1 the language:

"several counties in the state are authorized and fully empowered to invest"

and substituting the language:

"legislative body of the several counties, acting by resolution duly adopted, may authorize the investment of idle funds".

FURTHER AMEND by deleting the period at the end of the first sentence of the amendatory language of Section 1 and substituting the following language:

"with a maturity of not greater than one (1) year or in the pooled investment fund established by Title 9, Chapter 17."

FURTHER AMEND by deleting the period at the end of the amendatory language of Section 1 and substituting the following language:

"provided that the market value of the security itself shall not be less than the amount of funds invested."

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 606, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--95.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Rhinehart moved that House Bill No. 653 be placed on the next available Calendar, which motion prevailed.

Mr. Chiles moved that House Bill No. 1013 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Ms. DeBerry moved that House Bill No. 570 be re-referred to the Committee on the Calendar and Rules, which motion prevailed.

House Bill No. 9--To authorize expansion, Mid-South Coliseum, Memphis.

Mr. Gill moved that House Bill No. 9 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 9 by deleting the language in Section 1 in its entirety and substituting therefore the following language:

"It is the legislative intent to encourage the State Building

Commission to spend nine million dollars (\$9,000,000) subject to appropriations in cooperation with the Mid-South Coliseum Board for the purpose of expanding the Mid-South Coliseum for the use of Memphis State University as a sports arena/convocation center subject also to the Mid-South Coliseum Board and the State Board of Regents presenting an acceptable financing plan to the State Building Commission. It is further the legislative intent to encourage the Governor to include this project in the 1984-85 Capital Budget if revenues are available."

On motion, the amendment was adopted.

Thereupon, House Bill No. 9, as amended, passed its third and final consideration by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 351--To set taxes and licenses, gambling.

Mr. Love moved that House Bill No. 351 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 351 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ . Tennessee Code Annotated, Title 67, is amended by adding the following new section:

Section ____ . (a) There is hereby levied an amusement

tax at the rate of four and one-half percent (4 1/2%) on the admission charge, fee or consideration for the following amusements: concerts, theaters, athletic events, sporting events, circuses, carnivals, air shows, swimming pools, organized hunts, miniature golf, bowling, golf, driving ranges, rifle ranges, tractor pulls, bingo, motion picture shows, exhibits, night clubs, dance halls, theme parks, excursion boats, pool halls, video game rooms, and amusement parks. Provided, however, that such tax shall not apply to county fairs or athletic events sponsored by schools for grades K-12.

(b) The tax levied pursuant to subsection (a) shall be collected by the department of revenue in the same manner as the collection of state sales tax.

Section _____. The taxes levied by the provisions of this act shall be in addition to all other taxes or fees, whether levied in the form of excise, license, or privilege taxes.

Mr. Love moved that House Bill No. 351 be placed on the next available Calendar, which motion prevailed.

Mr. Speaker McWherter resumed the Chair.

Mr. Kisber moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 239 out of order, which motion prevailed.

House Joint Resolution No. 239--Relative to honoring, Senator Lowell Thomas--By Kisber, Mr. Speaker McWherter, Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton.

Mr. Kisber moved that the rules be suspended for immediate consideration of the resolution, which motion prevailed.

Mr. Kisber moved that House Joint Resolution No. 239 be adopted, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

Mr. Severance moved that House Bill No. 1125 be placed on the next available Calendar, which motion prevailed.

House Bill No. 740--To set composition, judicial circuits.

Mr. Murphy moved that House Bill No. 740 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 740 by deleting SECTIONS 1, 2, 3, and 4 and substituting instead the following:

SECTION 1. (a) Tennessee Code Annotated, Section 16-2-302, is amended by deleting the section in its entirety and substituting instead the following:

Chancery court for the second chancery division shall consist of and be held in Parts I and II at the times mentioned as follows:

(1) Part I shall consist of and be held on:

(A) Campbell County - Third Mondays in May and November.

(B) Claiborne County - Second Mondays in April and October.

(C) Hancock County - Fourth Mondays in April and October.

(D) Union County - Third Mondays in March and September.

(E) Scott County - Second Mondays in February and August.

(2) Part II shall consist of and be held on:

(A) Loudon County - First Mondays in May and November.

(B) Morgan County - First Mondays in March and September.

(C) Roane County - First Mondays in June and December.

(b) The chancery court for the second chancery division is hereby divided into two (2) parts to be known as Part I and Part II of the chancery court for the second chancery division.

(c) The present chancellor for the second chancery division and his successors shall preside over Part I of such division and shall be a resident of one (1) of the counties constituting Part I of such division. Effective September 1, 1984, the office of chancellor for Part II of such division is hereby created and shall be filled in accordance with the provisions of this act.

(d) At the regular August election in 1984, the qualified voters of the second chancery division shall elect a person to serve as chancellor for Part II of the second chancery division. Such person shall hold office until September 1, 1990, and until his successor is elected and qualified. Thereafter, the term of office for chancellor of Part II of the second chancery division shall be eight (8) years. The person elected as chancellor of Part II shall have the qualifications, jurisdiction, powers and duties provided by law for other chancellors, shall be a resident of one (1) of the counties constituting Part II of the division, and shall receive the same compensation, payable in like manner, benefits, emoluments, and dignity of office as the chancellor for Part I of such division.

(e) The chancellor with the most years of service as a chancellor in the second chancery division shall serve as the presiding chancellor of the division. It shall be the duty of the presiding chancellor to appoint the clerk and master of the division and to monitor and correct any caseload imbalances within the division by assigning or transferring cases between the two (2) parts of chancery court.

(f) The clerk and master of the second chancery division shall be the clerk and master of both parts of chancery court. The minutes of each part shall be kept in separate, appropriately numbered minute books and shall be signed by the chancellor presiding in such part, unless such case is being heard by interchange.

(g) There is created the position of secretary for the chancellor of Part II of the chancery court of the second chancery division. The chancellor of Part II shall select a suitable person to fill such position and such person shall receive the same compensation, payable in the same manner, as is provided by law for the secretary of the present chancery court. The secretary shall perform such duties as may be assigned by the chancellor of Part II of the chancery court.

(h) Part II of the chancery court of the second chancery division shall hold court in the counties constituting Part II of such division in the same courtrooms presently being utilized by the chancel or when he is in such counties.

SECTION 2. (a) The circuit court for the eighth judicial district is hereby divided into two (2) parts to be known as Part I and Part II of the circuit court for the eighth judicial district.

(b) The present circuit court judge for the eighth judicial district and his successors shall preside over Part I of such district. Effective September 1, 1984, the office of circuit judge for Part II of such district is hereby created and shall be filled in accordance with the provisions of this act.

(c) At the regular election in August, 1984, the qualified voters of the eighth judicial district shall elect a person to the office of circuit judge for Part II of the circuit court of the eighth judicial district. Such person shall possess the same qualifications, powers and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments and dignity of office as is required or provided by law for other circuit judges. The judge thus elected shall exercise concurrent jurisdiction with the circuit judge of Part I and the chancellor of such judicial district.

(d) The person elected at the regular election in August, 1984, shall hold office until September 1, 1990, and until his successor is elected and qualified. Thereafter, the term of office for circuit judge of Part II of such district shall be eight (8) years. The person elected in 1990 as circuit judge for Part II shall possess the same qualifications, powers and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments and dignity of office as is required or provided by law for other circuit court judges. The circuit

judge for Part II elected in 1990 and thereafter shall exercise concurrent jurisdiction with the circuit judge of Part I and the chancellor of the eighth judicial district.

Any vacancy occurring in the office of circuit judge for Part II shall be filled as provided by law.

(e) The circuit judge elected to preside over Part II of the eighth judicial district under the provisions of this act shall be placed into the rotation of appointment of the presiding judge with the circuit judge of Part I and the chancellor in such judicial district and shall serve as presiding judge at the appropriate time.

It shall be the duty of the presiding judge to assign the judges within such judicial district to hold the various circuit and chancery courts within the district. Any judge may be designated to try any action, civil or criminal. If any judge is disqualified or incompetent to try any case assigned to him, he shall notify the presiding judge, who shall thereupon cause another judge to try such case, or, if there be none within the district competent to try it, the presiding judge shall notify the chief justice of the Supreme Court, who shall assign a competent judge to try such case.

(f) the circuit court clerk of the eighth judicial district shall be clerk of both parts of the circuit court. The minutes of each part shall be kept in an appropriately numbered minute book.

(g) There is created the position of secretary for the circuit judge of Part II of the circuit court of the eighth judicial district. The judge of Part II shall select a suitable person to fill such position and such person shall receive the same compensation, payable in the same manner as is provided by law for the secretary of the present circuit court. The secretary shall perform such duties as may be assigned by the judge of Part II of circuit court.

(h) Part II of the circuit court of the eighth judicial district shall hold court in the same courtrooms provided by the respective counties.

(i) Tennessee Code Annotated, Section 16-2-208, is amended by deleting the section in its entirety and substituting instead the following:

The eighth judicial district shall be composed of the counties of Cannon and Rutherford and shall consist of one (1) chancellor and two (2) circuit judges. Chancery court and Parts I and II of circuit court shall be held in the respective counties of such judicial district at such times

or terms as shall be designated by the presiding judge after consultation with the other judges of the district. The judges may designate and hold special terms of their respective courts, if they so desire. Upon failure of any presiding judge to designate the terms of courts, the chief justice of the Supreme Court shall do so.

SECTION 3. There is created the position of secretary for Division II of the Criminal Court of the Tenth Judicial Circuit. The judge of Division II shall select a suitable person to fill such position and such person shall receive the same compensation, payable in the same manner, as is provided by law for the secretaries of the other criminal court divisions of such circuit. The secretary shall perform such duties as may be assigned by the judge of Division II of the circuit court.

SECTION 4. The judgeships created by this act shall become effective on September 1, 1984, the public welfare requiring it. For purposes of doing all that is necessary to become a candidate for one (1) of the judgeships created by this act and for conducting the election for such judgeships in August, 1984, this act shall take effect upon becoming a law, the public welfare requiring it.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 740, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--96.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Cobb moved that House Bill No. 536 be placed on the next available Calendar.

House Bill No. 1196--To make certain provisions, state buildings.

Mr. Hudson moved that House Bill No. 1196 be passed on third and final consideration.

Mr. Hudson moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1196 by deleting from Section 8 the words and figures "Tennessee Code Annotated, Section 53-2407 and 53-2562, are" and by substituting instead "Tennessee Code Annotated, Section 53-2407, is".

On motion, the amendment was adopted.

Mr. Cobb moved to amend as follows;

AMENDMENT NO. 2

Amend House Bill No. 1196 by adding the following language as a new section immediately preceding the final section:

SECTION ____ . The provisions of Sections 3 and 4 of this act shall not be construed to remove any legal obligation imposed prior to the effective date of this act by previous language contained within Tennessee Code Annotated, Sections 53-2547(a) and 53-2548.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1196, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh,

Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--95.

Representative present and not voting was: Dixon--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Burnett moved that Senate Bill No. 600 be placed on the next available calendar, which motion prevailed.

House Bill No. 1169--To make certain provisions, severance tax.

Mr. King (Washington) moved that House Bill No. 1169 be passed on third and final consideration.

Mr. King (Washington) moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 1169 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population of

not less than

6,850

4,500

6,000

6,120

8,650

10,150

10,800

12,700

13,550

14,900

14,925

15,100

15,900

16,360

19,500

19,650

21,350

22,250

22,500

nor more than

6,880

4,600

6,125

6,250

8,750

10,300

10,900

12,750

13,650

14,925

14,950

15,200

16,000

16,450

19,575

19,725

21,400

22,300

22,550

23,850	23,900
24,600	24,700
25,300	25,400
26,400	26,500
28,250	28,300
28,650	28,660
30,000	30,100
32,700	32,800
34,100	34,500
38,300	38,350
48,400	48,500
49,400	49,500
50,175	50,275
55,950	56,150
58,075	58,175
74,500	74,600
83,300	84,000
84,000	84,100
287,700	287,800
470,000	480,000

any county having a population greater than 750,000; all according to the 1980 federal census of population or any subsequent federal census.

Mr. Crain moved amend to Amendment No. 4 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 4

Amend Amendment No. 4 by adding the following language to Amendment No. 4 under the appropriate heading as indicated:

NOT LESS THAN	NOR MORE THAN
20,300	21,000
24,500	24,560

On motion, Amendment No. 1 to Amendment No. 4 was adopted.

Mr. King (Washington) moved to amend Amendment No. 4 as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 4

Amend Amendment No. 4 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____. The provisions of this act shall not apply in any county having a population of not less than 15,675 nor more than 15,775 according to the 1980 federal census of population or any subsequent federal census.

On motion, Amendment No. 2 to Amendment No. 4 was adopted.

Thereupon, Amendment No. 4, as amended, was adopted.

Mr. King (Washington) moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 1169 by adding a new section, as follows, immediately before the effective date section and by renumbering the effective date section accordingly:

SECTION ____ . If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Mr. Hillis moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes	45
Noes	40
Present and not voting	4

Representatives voting aye were: Atchley, Bell, Bivens, Buck, Copeland, Crain, Davis (Gibson), Disspayne, Drew, Ford, Frensley, Gafford, Gill, Hassell, Herndon, Hillis, Johnson, Kelley, Kent, Kernell, King (Shelby), Kisber, Murphy, Murray, Naifeh, Nance, Napier, Percy, Pickering, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Stafford, Stallings, Starnes, Tanner, Wallace, Whitson, Withers and Wood--45.

Representatives voting no were: Anderson, Bewley, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Pickett), DeBerry, Dixon, Duer, Ellis, Elsea, Gaia, Harrill, Henry, Hudson, Hurley, Huskey, Jones, King (Washington), Love, McAfee, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Owen, Phillips, Pruitt, Robertson, Robinson (Davidson), Smith, Webb, Williams and Yelton--40.

Representatives present and not voting were: Davis (Hamilton), Turner, Wix and Wolfe--4.

Mr. King (Washington) moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 1169 by deleting in Section 1 the words "tax on minerals" and substituting the words "tax on certain minerals".

AND FURTHER AMEND by adding the following new section immediately preceding the last section:

SECTION _____. The minerals to which this act applies are limestone, sandstone, gravels, granite, quartzite and sands.

AND FURTHER AMEND by deleting the section which reads as follows:

"The minerals that are exempted from tax under the provisions of this act are as follows; limestone, sandstone, gravels, chert, granite, quartzite, gneiss, sands and slag."

On motion, the amendment was adopted.

Mr. Copeland moved that House Bill No. 1169 be re-referred to the Committee on Calendar and Rules.

Mr. Scruggs moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	62
Noes	29

Representatives voting aye were: Anderson, Bewley, Bivens, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Pickett), DeBerry, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hudson, Hurley, Jared, Jones, Kent, King (Shelby), King (Washington), Love, McAfee, McKirney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Owen, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Stallings, Turner, Ussery, Webb, Wheeler, Williams, Withers, Wix and Yelton--62.

Representatives voting no were: Atchley, Buck, Crain, Davis (Gibson), DePriest, Dixon, Gafford, Hassell, Henry, Herndon, Hillis, Huskey, Johnson, Kelley, Kernell, Kisber, Murray, Naifeh, Nance, Percy, Pickering, Shirley, Sir, Tanner, Wallace, Whitson, Wolfe, Wood and Work--29.

Mr. Sir moved to amend as follows:

AMENDMENT NO. 7

Amend House Bill No. 1169 by deleting the following figures:

19,650	19,725
26,400	26,500
4,500	4,600

On motion, the amendment was adopted.

Mr. Chiles moved the previous question, which motion prevailed

by the following vote:

Ayes	78
Noes	12

Representatives voting aye were: Anderson, Atchley, Bell, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kent, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Whitson, Williams, Withers, Wix, Wood, Work and Yelton--78.

Representatives voting no were: Bewley, Frensley, Gafford, Kelley, McNally, Montgomery, Nance, Shockley, Sir, Wallace, Webb and Wolfe--12.

Thereupon, House Bill No. 1169, as amended, passed its third and final consideration by the following vote:

Ayes	70
Noes	24
Present and not voting	1

Representatives voting aye were: Anderson, Bell, Bewley, Bivens, Brewer, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Henry, Hudson, Hurley, Huskey, Jones, Kent, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Smith, Stafford, Stallings, Starnes, Tanner, Ussery, Webb, Wheeler, Williams, Withers, Wix, Wood and Yelton--70.

Representatives voting no were: Buck, Byrd, Copeland, Crain, Davis (Gibson), DePriest, Gafford, Herndon, Hillis, Johnson, Kelley, Kernell, Murphy, Murray, Naifeh, Nance, Shirley, Shockley, Sir, Turner, Wallace, Whitson, Wolfe and Work--24.

Representative present and not voting was: Atchley--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Senate Bill No. 542--To amend Section 53-103, Code.

Ms. Williams moved that Senate Bill No. 542 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frenslley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--96.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Senate Bill No. 462--To amend Section 51-202, Code.

Mr. Dills moved that Senate Bill No. 462 be passed on third and final consideration.

Mr. Kelley moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 462 by adding the following paragraph at the end of section 1:

The State Board of Education is encouraged to develop a section related to hunter education as a part of its safety education curriculum.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 462, as amended, passed its third and final consideration by the following vote:

Ayes	79
Noes	16

Representatives voting aye were: Atchley, Bewley, Bivens, Brewer, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb,

Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Ellis, Elsea, Frensley, Gaia, Gill, Hassell, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work and Yelton--79.

Representatives voting no were: Anderson, Bell, Buck, Chiles, Copeland, Davidson, Ford, Gafford, Harrill, Henry, Phillips, Rhinehart, Robertson, Sir, Stafford and Williams--16.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

House Bill No. 171--To continue the department of banking.

Mr. Davis (Hamilton) moved that House Bill No. 171 be passed on third and final consideration.

Mr. Davis (Hamilton) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 171 by deleting the numbers "4-29-210" where they appear in Section 2 and by adding the following numbers in lieu thereof:

4-29-205

On motion, the amendment was adopted.

Mr. Naifeh moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 171 by deleting the present language of the Act in its entirety and substituting in lieu thereof, the following:

SECTION 1. Tennessee Code Annotated, Title 45, Chapter 2, is amended by adding Sections 2 through 5 of this Act as a new part thereof.

SECTION 2. Unless the context otherwise requires for the purposes of this part:

(A) "Act" means the Federal Bank Holding Company Act of 1956, as amended.

(B) "Bank holding company" means any company which is a bank holding company within the meaning of the Act.

(C) "Non-Tennessee bank holding company" means (i) any bank holding company that, as of the date on which this part becomes law, conducts its principal banking business in any state other than Tennessee, provided that such state is physically contiguous to Tennessee, or (ii) a subsidiary of any such bank holding company.

(D) "Tennessee bank holding company" means (i) any bank holding company that, as of the date on which this part becomes law, conducts its principal banking business in Tennessee, or (ii) a subsidiary of any such bank holding company.

(E) "Covered bank" means any institution:

(i) that is a bank for purposes of the laws of the State of Tennessee and has been in operation for at least five (5) years;

(ii) that has total assests of not less than \$100,000,000 and not more than \$500,000,000 (as determined from its most recent report of condition); and

(iii) that conducts its principal banking business in any one of those counties in Tennessee having a population in excess of 200,000 according to the 1970 federal decennial census, or any subsequent federal census.

(F) "Acquisition" means acquiring, directly or indirectly, by merger or otherwise, any voting shares of, interest in, or all or substantially all of the assets of a covered bank.

SECTION 3. Notwithstanding any other provisions of Tennessee law, if a covered bank is determined to be in financial difficulty either by the Commissioner of the Department of Banking in Tennessee or by the appropriate federal regulatory authority for the covered bank, such that the acquisition of the covered bank is necessary to maintain the continued viability or prevent the probable failure of such covered bank, then a non-Tennessee bank holding company, after approval by the Commissioner of the Department of Banking, may make such acquisition and may engage in the business of banking in Tennessee. Prior to an acquisition by a non-Tennessee bank holding company, the Commissioner of the Department of Banking shall have received certification from the covered bank that no

substantially equivalent proposal has been received from any Tennessee bank holding company. Acquisition of a covered bank by a non-Tennessee bank holding company pursuant to this part shall not affect in any way thereafter such covered bank's rights, privileges, obligations or liabilities under the laws of the State of Tennessee. A non-Tennessee bank holding company which has acquired a covered bank in Tennessee under this paragraph may not until after January 1, 1986, acquire, directly or indirectly, by merger or otherwise, any voting shares of, interest in, or all or substantially all of the assets of any bank or bank holding company in Tennessee unless specifically permitted by federal law, except that such non-Tennessee bank holding company may acquire another bank or bank holding company in Tennessee after January 1, 1985, if the state in which the non-Tennessee bank holding company conducts its principal business enacts reciprocal laws permitting a Tennessee bank holding company to make an acquisition of a bank or bank holding company in that state.

SECTION 4. This part is specific authorization within the meaning of Section 3(d) of the Act, 12 U.S.C., Section 1842(d). The Commissioner of the Department of Banking shall cooperate with the appropriate federal regulatory authorities in order to secure an acquisition pursuant to Section 3.

SECTION 5. The authority granted to the Commissioner of the Department of Banking and the appropriate federal regulatory authority in Section 3 of this part shall terminate 180 days from the date on which this part becomes law.

SECTION 6. If any portion of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other portions or applications of the Act which can be given effect without the invalid portions or application, and to that end all portions of this act are declared to be severable.

SECTION 7. This Act shall take effect on becoming a law, the public welfare requiring it.

Mr. Owen moved to amend Amendment No. 2 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 2

Amend Amendment No.2 by deleting from Section 3 the words and figures "may not thereafter until after January 1, 1986" and by substituting instead the following:

"may not thereafter until after January 1, 1988".

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

Mr. Owen moved to amend Amendment No. 2 as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 2

Amend Amendment No. 2 by deleting from Section 3 the words and figures "thereafter until after January 1, 1986".

On motion, Amendment No. 2 to Amendment No. 2 was adopted.

Mr. King (Washington) moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	60
Noes	36

Representatives voting aye were: Atchley, Bell, Bewley, Bivens, Buck, Clark, (Davidson), Copeland, Covington, Davis (Gibson), Davis (Pickett), Dills, Duer, Elsea, Ford, Gafford, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Kelley, Kent, King (Washington), Kisber, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Nance, Napier, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Ussery, Wallace, Whitson, Williams, Wolfe, Wood, Yelton and Mr. Speaker McWherter--60.

Representatives voting no were: Anderson, Burnett, Byrd, Chiles, Cobb, Crain, Davidson, Davis (Hamilton), DeBerry, DePriest, Disspayne Dixon, Drew, Ellis, Frensley, Gaia, Gill, Johnson, Jones, Kernell, King (Shelby), Love, Naifeh, Owen, Pruitt, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Tanner, Turner, Webb, Wheeler, Withers, Wix and work--36.

Mr. Davis (Hamilton) moved that House Bill No. 171 be placed on the next available Calendar, which motion prevailed.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 704--To increase cost of board and lodging for jurors.

On motion, House Bill No. 704 was made to conform with Senate Bill No. 592.

On motion, Senate Bill No. 592, on same subject, was substituted for House Bill No. 704.

Mr. Elsea moved that Senate Bill No. 592 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 592 by deleting Section 1 in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 40-18-107, is amended by deleting the following language from the section:

, and to pay therefor a sum not to exceed two hundred twenty-five dollars (\$225). Provided, however, that such daily sum shall not exceed two hundred fifty dollars (\$250).

and by substituting instead the following language:

while serving on such jury, and to pay therefor a sum not to exceed two hundred fifty dollars (\$250) per such jury per day of service.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 592, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--92.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 566--To adopt system, employing computerized registration record.

Ms. DeBerry moved that House Bill No. 566 be passed on third and final consideration.

Mr. Hudson moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 566 by deleting from the amendatory language of Section 4 the fourth sentence in its entirety.

Ms. DeBerry moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes	38
Noes	46
Present and not voting	3

Representatives voting aye were: Bell, Brewer, Burnett, Byrd, Covington, Davidson, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Hillis, Jared, Johnson, Jones, Kernell, King (Shelby), Love, McKinney, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Sir, Starnes, Tanner, Wheeler, Withers, Wix and Work--38.

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Buck, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Crain, Davis (Gibson), Dills, Duer, Elsea, Ford, Gafford, Harrill, Hassell, Henry, Herndon, Hudson, Hurley, Huskey, Kelley, Kent, King (Washington), Kisber, McAfee, McNally, Montgomery, Nance, Robertson, Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stafford, Stallings, Wallace, Webb, Whitson, Williams, Wolfe and Wood--46.

Representatives present and not voting were: Miller, Owen and Yelton--3.

Thereupon, Amendment No. 1 was adopted by the following vote:

Ayes	52
Noes	36

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davis (Gibson), Dills, Duer, Elsea, Ford, Frensley, Gafford, Harrill, Hassell, Henry, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Kisber, McAfee, McNally, Montgomery, Moore (Shelby), Nance, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stafford, Turner, Wallace, Webb, Whitson, Williams, Wolfe and Wood--52.

Representatives voting no were: Bell, Brewer, Burnett, Davidson, Davis (Hamilton), DeBerry, DePriest, Dixon, Ellis, Gaia, Gill, Herndon, Hillis, Jones, Kernell, King (Shelby), Love, McKinney, Miller, Moore (Sullivan), Murphy, Murray, Naifeh, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Sir, Stallings, Tanner, Wheeler, Withers, Wix, Work and Yelton--36.

Ms. DeBerry moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 566 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ . The provisions of this act shall only apply in any county having a population of not less than 770,000 according to the 1980 federal census

On motion, the amendment was adopted.

Mr. Severance moved the previous question, which motion prevailed by the following vote:

Ayes	65
Noes	20

Representatives voting aye were: Bell, Bewley, Bivens, Burnett, Chiles, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DePriest, Disspayne, Dixon, Drew, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Henry, Hillis, Hudson, Hurley, Huskey, Jared, Jones, Kelley, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Smith, Stallings, Starnes, Tanner, Wallace, Webb, Wheeler, Whitson, Withers, Work and Yelton--65.

Representatives voting no were: Anderson, Atchley, Buck, Byrd, Clark (Sumner), Crain, Davis (Pickett), DeBerry, Duer, Gafford, Hassell, Herndon, Kent, McNally, Scruggs, Stafford, Turner, Williams, Wolfe and Wood--20.

Thereupon, House Bill No. 566, as amended, failed to receive a constitutional majority by the following vote:

Ayes	47
Noes	35
Present and not voting	8

Representatives voting aye were: Bell, Brewer, Burnett, Chiles, Cobb, Crain, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Herndon, Hillis, Jared, Jones, Kernell, King (Shelby), Love, McKinney, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Sir, Stallings, Starnes, Tanner, Wheeler, Withers, Work and Yelton--47.

Representatives voting no were: Anderson, Atchley, Bewley, Bivens, Buck, Byrd, Clark (Sumner), Davis (Gibson), Duer, Elsea, Ford, Harrill, Hassell, Henry, Hurley, Huskey, Kelley, Kent, King (Washington), Kisber, McAfee, McNally, Moore (Shelby), Nance, Napier, Robertson, Robinson (Washington), Scruggs, Shirley, Wallace, Webb, Whitson, Williams, Wolfe and Wood--35.

Representatives present and not voting were: Clark (Davidson), Covington, Dills, Hudson, Shockley, Stafford, Turner and Ussery--8.

Mr. Speaker McWherter was present.

Under the rules, House Bill No. 566 was re-referred to the Committee on Calendar and Rules.

House Bill No. 958--To define conflict of interest, certain officials.

On motion, House Bill No. 958 was made to conform with Senate Bill No. 490.

On motion, Senate Bill No. 490, on same subject, was substituted for House Bill No. 958.

Mr. Starnes moved that Senate Bill No. 490 be passed on third and final consideration.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 490 by deleting the words "majority stockholder" from the amendatory language of Sections 1, 2 and 4 and by substituting instead the words "person having the controlling interest".

AND FURTHER AMEND by adding the following language as a new section to be appropriately numbered immediately preceding the effective date section, and by renumbering the effective date section accordingly:

SECTION ____ . As used in this act, controlling interest shall include the individual with the ownership or control of the largest number of outstanding shares owned by any single individual or corporation.

On motion, the amendment was adopted.

Mr. Hurley asked to be recorded as voting "no" on Amendment No. 1.

Thereupon, Senate Bill No. 490, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood, Work and Yelton--91.

Representative present and not voting was: Buck--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 1072--To make certain provisions, energy authority.

Mr. Murphy moved that House Bill No. 1072 be passed on third and final consideration.

Mr. Davis (Hamilton) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1072 by deleting Section 1 through 6 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 28, is amended by deleting the section in its entirety. In abolishing the present structure of the Tennessee Energy Authority, however, it is the intent of the general assembly that certain of its programs and functions and the personnel and positions administering and running such programs should be transferred in an orderly fashion to other departments of state government so that the valuable activities of the authority may be continued with minimal disruption.

SECTION 2. In the transfers specified in this act, any positions transferred will retain the employees filling these positions as of March 1, 1983. Any rules and regulations duly promulgated and specifically related to a transferred program shall continue in full force and effect notwithstanding the

abolition of the authority or any provision of Tennessee Code Annotated, Title 4, Chapter 5, to the contrary. Such rules shall be amended or modified by the applicable agency after transfer in accordance with Title 4, Chapter 5.

SECTION 3. The state energy management and van pool programs operated under the provisions of Tennessee Code Annotated, Sections 4-28-109 (8) through (10), 4-28-111, 4-28-112, 4-28-124, 4-28-125, and 4-28-126, are transferred to the department of human services. A new office within the department is hereby established to operate and administer these programs. It shall be called the "Office of Energy Management".

SECTION 4. The state emergency set-aside program provided for in Tennessee Code Annotated, Section 4-28-127, is transferred to the department of economic and community development. All federal grant programs currently administered by the authority, including, but not limited to the State Energy Conservation Plan, the Energy Extension Service, and the Institutional Conservation Program, are transferred to the department of economic and community development. A new division within the department is hereby established to operate and administer these programs. It shall be called the "Energy Division".

SECTION 5. Tennessee Code Annotated, Section 4-3-704, is amended in subsection (a) by adding a new item, as follows:

(3) The energy division, which shall have the duties specified in Sections 4-3-708 through 4-3-712.

SECTION 6. Tennessee Code Annotated, Section 4-3-1104, is amended in subsection (a) by adding a new item, as follows:

(9) The office of energy management, which shall have the duties specified in Sections 4-3-1107 through 4-3-1110.

SECTION 7. Tennessee Code Annotated, Title 4, Chapter 3, Part 7, is amended by adding new sections, as follows:

Section 4-3-708. The energy division shall have the duty and responsibility to:

(1) Promote research, development, recruitment, and investments in conservation and renewable technology business, (e.g. businesses that are labor-intensive, environmentally sound, energy conserving, and compatible with the development of a statewide energy program) with the recognition that a commitment to energy efficiency and development of renewable resources promotes economic growth and job creation;

(2) Provide incentives for energy conservation and renewable technologies development;

(3) Provide informational and educational programs for local governmental units and the general public, including the operation of a toll-free energy hotline;

(4) Administer federal energy programs to include but not be limited to: Institutional Conservation Program, Energy Extension Service, State Energy Conservation Plan;

(5) Promote state and local energy emergency preparedness in coordination with other appropriate state agencies such as the department of the military;

(6) Establish a working liaison with the Tennessee Valley Authority and other energy-related non-profit organizations;

(7) Provide technical assistance to state businesses experiencing financial difficulty due to escalating energy costs;

(8) Maintain a record of businesses lost to the state or that have gone out of business due to escalating energy costs;

(9) Prepare an annual report on the activities of the division, including information on conservation, energy management, and renewable industry investments and recruitments, energy savings goals set and realized by the programs administered by the division. The report shall be submitted to the governor, the speaker of the senate, the speaker of the house of representatives, the board of directors created by Section 11 of this act, and the chairman of the Senate and House committees on government operations, energy, and conservation, or their successor committees.

(10) Provide energy impact assessments in accordance with Section 3-2-110.

Section 4-3-709. The division of energy shall have the power in promoting research and development to:

(1) Assist the state, its subdivisions and institutions, private parties, and any energy supplier chartered or regulated under the provisions of the Tennessee Code Annotated, through the collection and compilation of information on energy programs throughout the state and the United States, the coordination of research and experimental projects in Tennessee, and contracts and the issuance of

grants to Tennessee institutions and citizens for research and experimentation, in the development of:

(A) Petroleum and natural gas storage or production capacity wherever such can be located;

(B) Coal gasification and liquefaction;

(C) Propane, butane, or methane storage, shipment, handling and rapid redistribution to areas of need;

(D) An energy port authority in connection with a grouping and system interconnection of energy loading, unloading, storage and transfer facilities;

(E) Magnetohydrodynamics (MHD), fluidized bed combustion, and other advanced combustion and conversion facilities;

(F) Technology and related facilities for the collection, conversion and use of solar energy;

(G) Facilities designed to produce central heating, cooling, electrical energy, or process steam through the combustion of garbage or other wastes; and

(H) Other energy production, storage, or distribution facilities, including co-generation of power.

(2) Promote and assist in the execution of programs to gain maximum benefit for citizens of Tennessee from the state's natural energy resources, including but not limited to:

(A) Coal field development and utilization, both surface and subsurface;

(B) Oil deposits;

(C) Natural gas for intrastate and interstate use;

(D) Ores containing fissionable elements;

(E) Geographical characteristics;

(F) Resource recycling; or

(G) Renewable resources.

(3) Coordinate the development of energy facilities in Tennessee;

(4) Monitor the spending of any public funds provided for projects under this section, and the progress of any work financed in whole or in part with such funds.

Section 4-3-710. The division of energy shall have the power in promoting conservation to:

(1) Develop and implement plans, projects, or programs for the purpose of energy conservation in regard to residential, commercial, industrial or governmental uses of energy;

(2) Coordinate any energy conservation programs or projects undertaken by the state or municipal governments, or by the federal government as permitted by applicable federal law;

(3) Participate in or carry out any federal energy conservation programs;

(4) Recommend, in coordination with other standards and codes, energy and lighting efficiency building standards for new and renovated buildings in Tennessee. Such standards, will be mandatory for all building construction or renovation begun after they take effect. Such standards will be administered by local governments and if such governments have standards equal to or stricter than the authority standards, the local standards will control; and

(5) Prepare, implement and administer a plan which encourages utilities to provide conservation services to their customers;

(6) Assist the utilities of the state in their actions before those federal agencies which regulate or otherwise control specific energy supplies, if such actions are consistent with state energy policy;

(7) Coordinate and maintain, in cooperation with other divisions, and state and federal departments and agencies, a comprehensive educational and information program on energy conservation for the general public. The division shall make a continuing effort to keep the citizens of the state informed as to the most efficient and expeditious means of reducing their use of energy.

(8) Develop and carry out its programs on its own initiative; in cooperation with federal, state, or local governments; or with private citizens. Such plans, projects, or programs may include but are not limited to:

(A) Van pooling and car-pooling plans and incentives;

(B) Home weatherization;

(C) Development of mass transit alternatives;

(D) Incentives to promote residential conservation of energy use;

(E) Compilation and dissemination of energy efficiency information;

(F) Programs to promote energy conservation in industry and commerce;

(G) Encouragement of the use and development within the state of solar, geothermal, and other renewable energy resources;

(H) Development of energy management systems;

(I) Development of material recycling, handling and management systems;

Section 4-3-711.

(a) The energy division shall develop an emergency liquid fuel allocation program to be implemented by the governor in event of an energy emergency as defined in Section 58-2-101(3).

(1) The setting aside of petroleum products will be in order to help meet emergency petroleum requirements and thereby relieve the hardship caused by such shortage to entities including, but not limited to, the following:

(A) Certain governmental entities providing emergency services;

(B) Other entities defined by rules as promulgated by this division;

(C) Energy producer;

(D) Telecommunications services;

(E) Public transit;

(F) Users engaged in agricultural production, planting, and harvesting; and

(G) Sanitation services.

(2) The division shall promulgate rules, including emergency rules pursuant to Title 4, Chapter 5, to govern the administration of the set-aside program, including but not limited to the form, procedures, criteria, and priority for set-aside allocation and distribution.

(3) The state set-aside program for petroleum products shall be operated to the extent that it does not preempt federal law.

(4) The state set-aside program shall terminate upon the issuance of an executive order stating that a shortage of petroleum products no longer exists.

(b) Until the division promulgates rules in accordance with subsection (a) (2), the rules promulgated and the program developed by the Tennessee energy authority shall remain in full force and effect and shall apply to the program administered by the agency.

(c) The division shall assist with contingency plans, in coordination with power distributors in Tennessee, to conserve electrical energy during emergency conditions. Such plans shall include the designation of priority users of electrical power.

Section 4-3-712.

(a) In furtherance of its duties under Section 4-3-708 through 4-3-711, the division of energy shall have the power to:

(1) Collect energy-related information for the purpose of maintaining a current source of relevant data, and for supplying the division, as well as other federal and state agencies and the general public with the necessary information to enable them to make informed evaluations and decisions about energy-related problems;

(2) Perform such studies, analyses, or surveys as it deems necessary to carry out the intent and purposes of this chapter. The division shall first of all be concerned with providing any studies or analyses of energy information which the governor or appropriate committees of the general assembly shall request. In addition, within limitations of funds, time and staff capacities, the division may provide such information for the general public, individual members of the general assembly, and other state and federal authorities;

(3) Maintain current reports on the supply, demand, and price of the various energy resources which shall include, but are not limited to: coal, electricity, geothermal, natural gas, nuclear power, petroleum, and solar

power. In maintaining such reports, the division shall utilize data available from other state and federal sources to the extent possible to avoid duplication of requests;

(4) Monitor and analyze technological developments in the fields of energy resource exploration, extraction, utilization, production, distribution, conservation, and end-product reuse;

(5) Provide an analysis of the availability of various energy resources as well as a forecast of the future demand and availability of those resources, where feasible;

(6) Establish an information distribution system to convey energy-related information to the general public and other interested persons;

(7) Obtain information on and to monitor energy-related developments, including the following:

(A) Energy legislation pending before the United States congress;

(B) Proposed energy-related rules and regulations of federal agencies;

(C) Research development and demonstration activities affecting Tennessee;

(D) Federal grants for which citizens or government might apply;

(E) Energy proceedings and hearings of the various energy regulatory agencies;

(F) Energy-related activities and legislation in other states; and

(G) Such other energy-related activities as the head of the division may assign;

(8) To coordinate the responses of other state agencies over and above the responses required under office of management and budget circular A-95, to federal energy programs and projects and present those agencies' views to the extent feasible;

(9) To evaluate the practical, economic, and financial feasibility of projects or facilities included under Section 4-3-709 (3).

(b) The division shall maintain the confidentiality of all proprietary information it may acquire. Proprietary information

shall be defined as trade secrets and commercial or financial information which is used either directly or indirectly in the business of any person submitting information to the division under this act and which gives such person an advantage or an opportunity to obtain an advantage over competitors who do not know or use such information.

SECTION 8. Tennessee Code Annotated, Section 4-3-1105, is amended by adding the following items:

(18) To develop and administer a state building energy management program and a revolving retrofit fund;

(19) to define and implement specific yearly conservation/energy management goals for state-owned facilities in coordination with the state architect's office and the state building commission;

(20) To provide state vehicle energy management life-cycle (operational and maintenance) cost analysis;

(21) To define and implement an energy efficiency code for state procurement of equipment and appliances;

(22) To define and implement an energy efficiency code for future state buildings to include a review of renewable options by means of life-cycle analysis. This life-cycle analysis of renewable options shall be mandatory;

(23) To administer the state employee vanpool program;

(24) To prepare an annual report on the activities of the office of energy management including in items (18) through (23) and submit the report to the governor, the speaker of the senate, the speaker of the house of representatives, the board of directors created by Section 11 of this act, and the chairman of the Senate and House committees on government operations, energy, and conservation, or their successor committees. The report shall include savings realized by the state as a result of the office's activities expressed in both units of energy saved and monetary cost-avoidance.

SECTION 9. Tennessee Code Annotated, Title 4, Chapter 3, Part 11, is amended by adding new sections, as follows:

Section 4-3-1107. In developing and implementing an energy management program for state government under Section 9 of this act, the department, through the office of energy management, may include:

(1) Development, in coordinatin with the emergency management agency, of contingency plans for the most efficient use of energy by state buildings and motor vehicles during an energy emergency;

(2) Encouragement of the use of renewable energy resources in state operations and procedures; and

(3) Development of a program to ascertain the energy use of each state department, agency, college, university, or other institution, to recommend specific plans for energy use reduction to such entities, and to monitor the implementation of such plans.

This program may be implemented by the governor by executive order for all departments and agencies of the executive branch and for all state colleges and universities operated by the board of trustees of the University of Tennessee or the state board of regents.

Section 4-3-1108.

(a) To assist the department in developing an energy management plan for state government under the provisions of this chapter, each department of state government, institution, or agency having control of or responsibility for the management or operation of a building used by state government, including the postsecondary public institutions and subparts of the University of Tennessee, the state board of regents, and the state board of education, whether owned or leased, shall designate a representative for each building or group of buildings under one management as a liaison with the department. Such person shall be the building manager or superintendent or someone familiar with the operation of the building.

(b) Each person designated as a liaison with the department shall cooperate and assist the department in conducting energy audits of the building for which he is the designated liaison as well as any other studies or plans carried out by the department under the provisions of this chapter or energy efficiency codes. Such person shall supply the department with information concerning energy use and utility bills of the building in his charge or any other information required by the department to which he has access. A copy of the energy audit prepared for each building shall be sent to the department, institution, board, commission, or agency having control of or responsibility for the funding, management or operation of the audited building.

(c) When the department, in accordance with the provisions of this act, makes recommendations for energy conservation measures in any building for which an energy audit, or other similar study, has been conducted, it shall be the duty of the department, institution, board, or agency and the building

superintendent or manager to implement these recommendations. Implementation shall occur as soon as is feasible, taking into account the nature of the recommendations and the availability of personnel for implementation. Provided, however that any recommendation in conflict with health or building codes shall be superseded by such codes, and such conflict shall be reported to the department. Provided, further, that any recommendation requiring capital outlays for equipment, building modifications, or similar actions and for which there are no appropriated funds, shall be submitted by the department and the involved department, institution, board, commission, or agency to the state building commission with an estimate of savings which would result from implementation of such recommendations, the anticipated costs of implementation, and a recommendation for action. Such submissions shall be made and shall pass through such intermediate steps as are required by the laws and regulations governing capital requests or building projects by such department, institution, board, commission, or agency.

(d) After a recommendation has been implemented and in effect for at least one (1) month, the effects and results of the implementation shall be re-evaluated by the department, in cooperation with the designated building liaison. In re-evaluating the recommendations, the department shall consider any hardship or inconvenience, either to affected workers or the public, caused by such recommendation, the actual, as opposed to estimated, savings effected by such recommendations, and such other factors as the department, the liaison person, or the involved department, institution, or agency may consider important. After such re-evaluation any implemented recommendation may be modified or rescinded. The department shall report to the senate energy and natural resources committee and the house of representatives conservation and environment committee, or their successor committees, on the implementation of the plan, and on compliance therewith. Copies of these reports will be made available to interested agencies.

Section 4-3-1109.

(a) When the state building commission considers proposals for construction of new buildings or additions to or expansions of existing buildings, and the building under consideration contains facilities which will use or require hot water, the commission shall cause the state architect or the project architect, as appropriate, to furnish to the department the necessary information relative to hot water usage and requirements in that building or addition, the type of usage and number of users, the proposed location and orientation of the building or addition, and such other information as the department may need to develop a cost-benefit analysis of the installation and use of solar hot water heaters on that building or addition.

(b) Based on the information received, the department shall develop a cost-benefit analysis of installation and use of solar hot water heaters, including the estimated pay-back period involved, and shall present this analysis to the commission prior to approval of the final design or preparation of specifications.

Section 4-3-1110. To facilitate coordination of state building energy conservation and retrofit measures to be developed or to be implemented within state government, including public institutions of higher education, and to prevent duplication of such plans or programs, the department of finance and administration, the department of economic and community development, the state building commission, the Tennessee higher education commission, the state board of regents, the board of trustees of the University of Tennessee, and the state board of education shall cooperate with the department of general services and shall supply information concerning any retrofit proposals or consulting projects involving energy conservation within the proposing or consulting entity which are developed independently of the department. Such information would include requests for funding or consulting contracts for building energy management programs or requests for funding of energy conservation retrofits, and should be furnished prior to approval of the request. The department may comment on any such plan or program, including noting the existence of a similar plan or program, but shall have no power to postpone or deny this request.

SECTION 10. Tennessee Code Annotated, Section 4-3-2303, is amended by adding a new item, as follows:

(14) To administer a statewide rideshare/car pooling program, including the establishment of appropriate rideshare parking locations on the perimeter of major urban areas or other areas needing such facilities, as determined by the commissioner.

SECTION 11.

(a) In order to facilitate coordination and cooperation of energy programs administered by state government, and to provide participation in the formation of state energy policy from sources outside state government, there is hereby established the energy advisory board.

(b) the board shall consist of seven (7) members, as follows:

(1) One (1) member representative of energy conservation businesses or organization;

(2) One (1) member representative of renewable energy technology businesses or organizations;

- (3) One (1) member representative of the oil industry;
- (4) One (1) member representative of the natural gas industry;
- (5) One (1) member representative of the coal industry;
- (6) One (1) member representative of the electrical power industry;
- (7) One (1) member representative of the public at large.

(c) The members shall be appointed by the governor for terms of four (4) years. Vacancies shall be filled for the unexpired remainder of the term.

(d) The board shall elect a chairman, who shall serve for one (1) year.

(e) The board shall meet quarterly, and may meet on call of the chairman or when a meeting is requested by a majority of the board.

(f) Members shall be compensated for travel expenses in accordance with the state comprehensive travel regulations.

(g) Except for reports required by Sections 4-3-708(9) and 4-3-1105(24), the board shall report to the head of the energy division of the department of community and economic development.

SECTION 12.

(a) Any position transferred by this act will retain the employee occupying the position as of March 1, 1983. It is the intention of the genreal assembly that Tennessee energy authority programs such as, but not limited to, state energy management or federal grant programs, which are transferred shall be maintained at least through the 1983-1984 fiscal year at the same staffing level these programs were authorized for as of July 1, 1983, in order to provide for a smooth transition and to allow careful consideration to be given to the needs of the programs in their new locations.

(b) Such employees shall retain all benefits, such as annual leave, sick leave, military leave, compensatory time, eligibility time for longevity pay, and retirement creditable service and benefits, which they currently possess as state employees, and such benefits and service shall be transferred with them to any new position they occupy.

SECTION 13.

(a) Any employee of the Tennessee energy authority who is not eligible for transfer under the provisions of Section 12(a), shall be eligible for transfer to, or re-employment in, any other position in the classified or unclassified service on the same basis as employees in the classified service who are now covered by the provisions of Tennessee Code Annotated, Title 8, Chapter 30.

(b) Any employee who is transferred or re-employed under the provisions of subsection (a) of this section shall retain all benefits as specified in Section 12(b), and shall be treated on the same basis as employees in the classified service transferred or re-employed under the provisions of Tennessee Code Annotated, Title 8, Chapter 30.

SECTION 14. Any employees of the Tennessee energy authority who are not transferred or re-employed under the provisions of Sections 12 and 13, shall receive payment on termination for any unused annual leave and compensatory time, and shall receive a lump-sum payment equal to one (1) month's salary.

SECTION 15. Any employee of the Tennessee energy authority who is not transferred or re-employed in the executive branch of state government, but who is employed in any other branch of state government or any other state institution, agency, or institution of higher learning, including all schools operated by the board of regents or the University of Tennessee board of trustees, may transfer any accrued annual, military, and sick leave, retirement creditable service, longevity eligibility, or other benefits, if he has not received payment for such benefits under the provisions of Section 14.

SECTION 16. Any funds appropriated to or available to the Tennessee energy authority for the 1982-1983 fiscal year may be carried over into the 1983-1984 fiscal year for the purpose of providing funding for terminal payments or transfer payments under the provisions of Sections 12 through 15.

SECTION 17. Any affected or aggrieved employee involved in position and personnel transfers from the Tennessee energy authority to any other department or agency, any reductions-in-force, or any other transfer or termination under the provisions of Section 12 through 15 of this act shall have the right and be eligible for review by the receiving agency(s) in the same manner as any other non-civil service employee in the executive branch.

For any employees not selected for transfer the commissioner of personnel shall place those employees names and scores on appropriate promotion and other registers for positions for which they qualify. Such employees shall be eligible for transfer into

state civil service positions in the same manner as if those employees previously held state civil service status.

SECTION 18. Tennessee Code Annotated, Section 3-2-110, is amended by deleting the words "Tennessee energy authority" wherever they appear and substituting the words "division of energy of the department of economic and community development".

SECTION 19. Tennessee Code Annotated, Section 4-3-1105(17), is amended by deleting the following:

,in conjunction with the Tennessee Energy Authority,

SECTION 20. Tennessee Code Annotated, Section 4-29-208, is amended by deleting item (14).

SECTION 21. Tennessee Code Annotated, Section 58-2-108, is amended by deleting the words "Tennessee energy authority" and substituting instead the words "division of energy of the department of economic and community development".

SECTION 22. Tennessee Code Annotated, Section 58-2-114(a)(2)(B), is amended by deleting the words "Tennessee energy authority" and substituting the words "division of energy of the department of economic and community development".

SECTION 23. Tennessee Code Annotated, Section 60-1-201, is amended by deleting the words "The director of the state energy office" and substituting the words "The head of the division of energy of the department of economic and community development".

SECTION 24. Tennessee Code Annotated, Section 66-9-204, is amended by deleting the words "Tennessee energy authority" and substituting the words "The division of energy of the department of economic and community development".

SECTION 25. Tennessee Code Annotated, Section 67-511(b), is amended by deleting the words "Tennessee energy office" in the first paragraph and substituting the words "The division of energy of the department of economic and community development".

SECTION 26. In order to accomplish the program transfers provided for elsewhere in the act, the following personnel position transfers shall be made on the effective date of this act by transferring from the Tennessee energy authority to:

(1) The department of general services, office of energy management, four (4) positions, including one (1) professional engineer.

(2) The department of economic and community development, energy division, eighteen (18) positions.

(3) The department of transportation, one (1) position.

SECTION 27. The Tennessee Code Commission is authorized to make any additional name or number changes elsewhere in the Tennessee Code, as necessitated by the provisions of this act.

SECTION 28. This act shall take effect July 1, 1983, the public welfare requiring it; provided, however, planning for the transfers of functions and personnel, as provided for herein, shall commence when this act becomes a law, and a plan of reorganization and transfer shall be submitted to the joint finance, ways and means committee and to the government operations, energy, and conservation committees of the Senate and House of Representatives prior to July 1, 1983.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1072 by adding the following new section immediately following Section 27 and by renumbering subsequent sections accordingly:

Section _____. Any federal funds expended pursuant to the provisions of this act shall only be obligated or expended in accordance with the program, terms, conditions and agreement under which such funds were received unless specific authority to modify such program, terms, conditions or agreement has been received in writing from the granting authority.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1072 by deleting Section 26 in its entirety

On motion, the amendment was adopted.

Thereupon, House Bill No. 1072, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson),

Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood, Work and Yelton--91.

Representative present and not voting was: Phillips--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Davis (Gibson) moved that House Bill No. 75 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

On motion, the rules were suspended for the introduction of House Resolutions Nos. 68, 69, 70, 71, 72, 73 and 75, and House Joint Resolutions Nos. 240, 241, 242, 243, 244, 245, 246, 247 and 248.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 68--Relative to honoring Mr. Jonathan Ladd--By Murphy.

House Resolution No. 69--Relative to honoring Ms. Rachel Balog --By Murphy.

House Resolution No. 70--Relative to honoring Mr. Barry Watkins --By Murphy.

House Resolution No. 71--Relative to honoring Nashboro Village "Boxing" Association--By Wallace.

House Resolution No. 72--Relative to congratulating Terry Dempsey--By King (Washington), Robinson (Washington) and Whitson.

House Resolution No. 73--Relative to commending Linda Todd--By Kent.

House Resolution No. 75--Relative to commending Mr. Paul Franklin Sloan--By Naifeh and Davidson.

House Joint Resolution No. 240--Relative to commending Intercollegiate State Legislature--By Kisber.

House Joint Resolution No. 241--Relative to commending Guilford Fletcher Thornton, Jr.--By Henry, Robertson, Wood, Clark (Sumner), McAfee, Stafford and McNally.

House Joint Resolution No. 242--Relative to commending Linda F. Phillips--By Henry, Robertson, Wood, Clark (Sumner), McAfee, Stafford and McNally.

House Joint Resolution No. 243--Relative to commending Pat D. Brantner--By Henry, Robertson, Wood, Clark (Sumner), McAfee, Stafford and McNally.

House Joint Resolution No. 244--Relative to memory, Paul V. Coffman--By Wallace and Kisber.

House Joint Resolution No. 245--Relative to congratulating Kroger Company--By Duer.

House Joint Resolution No. 246--Relative to congratulating Mr. and Mrs. Billy M. Garrett--By Davis (Pickett) and Burnett.

House Joint Resolution No. 247--Relative to congratulating Andy Hoover--By DePriest.

House Joint Resolution No. 248--Relative to honoring Ira H. Murphy--By Dixon.

Mr. Speaker McWherter moved that the rules be suspended to place House Resolutions Nos. 68, 69, 70, 71, 72, 73 and 75, and House Joint Resolutions Nos. 240, 241, 242, 243, 244, 245, 246, 247 and 248 on the Consent Calendar for today, which motion prevailed.

CONSENT CALENDAR

House Bill No. 1299--To regulate marketing of ginseng.

House Bill No. 1174--To inspect certificates issued by Board of Boiler Rules.

On motion, House Bill No. 1174 was made to conform with Senate Bill No. 1066.

On motion, Senate Bill No. 1066, on same subject, was substituted for House Bill No. 1174.

House Bill No. 1175--To require certain inspection, Elevator Safety Board.

On motion, House Bill No. 1175 was made to conform with Senate Bill No. 1065.

On motion, Senate Bill No. 1065, on same subject, was substituted for House Bill No. 1175.

House Bill No. 250--To make certain provisions, product liability actions.

On motion, House Bill No. 250 was made to conform with Senate Bill No. 301.

On motion, Senate Bill No. 301, on same subject, was substituted for House Bill No. 250.

House Bill No. 635--To provide for property tax, special school districts.

On motion, House Bill No. 635 was made to conform with Senate Bill No. 760.

On motion, Senate Bill No. 760, on same subject, was substituted for House Bill No. 635.

House Bill No. 950--To make certain provisions, school transportation equipment.

On motion, House Bill No. 950 was made to conform with Senate Bill No. 884.

On motion, Senate Bill No. 884, on same subject, was substituted for House Bill No. 950.

House Bill No. 942--To regulate coon dog training, Washington County.

On motion, House Bill No. 942 was made to conform with Senate Bill No. 958.

On motion, Senate Bill No. 958, on same subject, was substituted for House Bill No. 942.

House Resolution No. 49--Relative to encouraging high temperature of hazardous and toxic substances.

House Resolution No. 55--Relative to abatement of acid rain pollution.

House Joint Resolution No. 154--Relative to study, banking industry.

House Joint Resolution No. 189--Relative to study, compensation of Community College instructors.

House Resolution No. 29--Relative to study, competition between and private enterprise.

Senate Joint Resolution No. 74--Relative to regulating price plan, natural gas.

House Bill No. 651--To clarify definition of "minor", alcoholic beverages.

On motion, House Bill No. 651 was made to conform with Senate Bill No. 765.

On motion, Senate Bill No. 765, on same subject, was substituted for House Bill No. 651.

House Bill No. 698--To create North Central Tennessee Railroad Authority.

On motion, House Bill No. 698 was made to conform with Senate Bill No. 756.

On motion, Senate Bill No. 756, on same subject, was substituted for House Bill No. 698.

House Joint Resolution No. 99--Relative to naming "The Rice Coffee Highway".

House Bill No. 1285--To permit sale of red fox hides, certain counties.

House Bill No. 1333--To create office of County Attorney, Hawkins County.

House Joint Resolution No. 224--Relative to congratulating Robert Frazier.

House Joint Resolution No. 228--Relative to appreciating Ms. Naomi Steffey.

House Joint Resolution No. 232--Relative to commending Allen Landers.

House Joint Resolution No. 233--Relative to memory, Carl Ed Hancock.

House Joint Resolution No. 234--Relative to congratulating Mrs. Ann Goins.

Senate Joint Resolution No. 102--Relative to honoring Bill Bilyeu.

Senate Joint Resolution No. 103--Relative to congratulating Susan Goodman.

House Resolution No. 68--Relative to honoring Mr. Jonathan Ladd.

House Resolution No. 69--Relative to honoring Ms. Rachel Balog.

House Resolution No. 70--Relative to honoring Mr. Barry Watkins.

House Resolution No. 71--Relative to honoring Nashboro Village "Boxing" Association.

House Resolution No. 72--Relative to congratulating Terry Dempsey.

House Resolution No. 73--Relative to commending Linda Todd.

House Resolution No. 75--Relative to commending Mr. Paul Franklin Sloan.

House Joint Resolution No. 240--Relative to commending Intercollegiate State Legislature.

House Joint Resolution No. 241--Relative to commending Guilford Fletcher Thornton, Jr.

House Joint Resolution No. 242--Relative to commending Linda F. Phillips.

House Joint Resolution No. 243--Relative to commending Pat D. Branther.

House Joint Resolution No. 244--Relative to memory, Paul V. Coffman.

House Joint Resolution No. 245--Relative to congratulating Kroger Company.

House Joint Resolution No. 246--Relative to congratulating Mr. and Mrs. Billy M. Garrett.

House Joint Resolution No. 247--Relative to congratulating Andy Hoover.

House Joint Resolution No. 248--Relative to honoring Ira H. Murphy.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King

(Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

Mr. Pickering moved that the rules be suspended for the purpose of introducing House Bill No. 1353 out of order, which motion prevailed.

INTRODUCTION OF BILL

House Bill No. 1353--To provide certain authority, city council, Clarksville--By Pickering.

Passed first consideration.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 545--To amend Section 55-7-116, Code.

SENATE AMENDMENT NO. 2

Amend House Bill No. 545 by deleting from Section 1, as amended by House Amendment #1, the words and figures "two (2) days nor more than six (6) months", and substituting instead the words and figures "forty five (45) days nor more than eleven (11) months and twenty nine (29) days".

Mr. Yelton moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings,

Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood and Work--92.

Representative present and not voting was: Pickering--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return Senate Bill No. 618, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

FURTHER CONSIDERTION OF SENATE BILL NO. 618

Senate Bill No. 618--To amend Title 47, Chapter 15, Code.

Mr. Webb moved that the motion to reconsider Senate Bill No. 618 be lifted from the table, which motion prevailed.

Mr. Webb moved that the House reconsider its action in passing Senate Bill No. 618 on third and final consideration, as amended, which motion prevailed.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 618 by deleting from the amendatory language of subsections (a) and (b) of Section 1 the following language:

"or limit the right of any party to assert any other defense provided by common law or statutory law in regard to contracts."

and substituting instead the following new language to each subsection:

or limit the right of any party to assert any other rights or defense provided by common law or statutory law in regard to contracts.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 618, as amended, passed its third and final consideration by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--97.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

Mr. Kernell moved that the rules be suspended for introduction of House Resolution No. 74, which motion prevailed.

House Resolution No. 74--Relative to study, economic growth--By Bragg, Dixon, Kernell and Murphy.

The Speaker referred House Resolution No. 74 to the Committee on Calendar and Rules.

Mr. Kisber moved that the rules be suspended for introduction of House Resolution No. 67, which motion prevailed.

House Resolution No. 67--Relative to congratulating Jeffery Adams Bailey--By Jones, Dixon and Kisber.

The Speaker referred House Resolution No. 67 to the Committee on Calendar and Rules.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 190, 273, 340 and 870; and House Resolutions Nos. 24, 61 and 65; and find same correctly enrolled and ready for the signatures of the Speakers.

MARLYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 190, 273, 340 and 870; and House Resolutions Nos. 24, 61 and 65.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 9, 727 and 1196; House Joint Resolution No. 239; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

142--Relative to study, Health Facilities Commission;

239--Relative to honoring Senator Lowell Thomas; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1139--To provide for audits, alcoholic beverage dealers; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 10 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

804--To regulate costs payable by state, criminal cases; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1132--To amend Section 53-7101, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1160--To abolish Health Planning and Resources Development Authority; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1182--To enact Emergency Medical Services Act; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Anderson, Atchley, Bell, Bewley,

Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Prensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 235--Relative to congratulating Twila Walker--By Murphy.

Under the rules, House Joint Resolution No. 235 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 236--Relative to congratulating Linda Guthrie and Melinda Howser--By Murphy.

Under the rules, House Joint Resolution No. 236 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 237--Relative to study, effects of alcohol--By McNally, Murphy, Crain and King (Washington).

The Speaker referred House Joint Resolution No. 237 to the Committee on Calendar and Rules.

House Joint Resolution No. 238--Relative to study, banking industry--By Davis (Hamilton) and Starnes.

The Speaker referred House Joint Resolution No. 238 to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1345--To amend Road Law, Lake County--By Tanner.

Passed first consideration.

House Bill No. 1348--To provide for bonds, Celina Port Authority--By Davis (Pickett).

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1337--To make provisions, employment residency requirements, Harriman.

Passed second consideration and held without reference.

House Bill No. 1338--To amend Charter, Kingsport.

Passed second consideration and held without reference.

House Bill No. 1339--To enact Accounting and Budgeting Procedures Law, Henry County.

Passed second consideration and held without reference.

House Bill No. 1340--To increase terms of office, certain officials, Harriman.

Passed second consideration and held without reference.

House Bill No. 1341--To amend Charter, Dunlap.

Passed second consideration and held without reference.

House Bill No. 1342--To amend Charter, Covington.

Passed second consideration and held without reference.

House Bill No. 1344--To regulate motor carriers.

Passed second consideration and referred to Committee on Transportation.

House Bill No. 1346--To provide hospital care for indigent, Dyer County.

Passed second consideration and held without reference.

House Bill No. 1347--To vest juvenile jurisdiction, Johnson County.

Passed second consideration and held without reference.

REPORTS FROM STANDING COMMITTEES

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: House Bill No. 750.

WORK, Chairman.

Under the rules, House Bill No. 750 was transmitted to the Committee on Calendar and Rules.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 100, 708, 729 (with amendment), 732 (with amendment), 814 (with amendment) and 1140.

BRAGG, Chairman.

Under the rules, House Bills Nos. 100, 708, 729, 732, 814 and 1140 were transmitted to the Committee on Calendar and Rules.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, May 5, 1983: House Bills Nos. 1095, 994, 1156, 686, 574, 1142, 1069, 989, 1056, 1082, 747, 806, 1085, 1086, 909, 937, 1087, 1193, 587, 627, 935 and 35.

GILL, Chairman.

Mr. McKinney moved that the rules be suspended for the purpose of introducing House Bill No. 1349 out of order, which motion prevailed.

INTRODUCTION OF BILL

House Bill No. 1349--To amend charter, Ashland City--By McKinney, Davidson and Murphy.

Passed first consideration.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

106--Relative to memory, Nathan Flexer; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.
Chief Clerk.

Mr. Herndon moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 106 out of order, which motion prevailed.

Senate Joint Resolution No. 106--Relative to memory, Nathan Flexer.

Mr. Herndon moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 106, which motion prevailed.

On motion, the resolution was concurred in.

A motion to reconsider was tabled.

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Thursday, May 5, 1983:

House Bill No. 64--Davis (Hamilton)

House Bill No. 206--Kelley

House Bill No. 491--Whitson

House Bill No. 779--Murphy

Senate Bill No. 44--McNally

Mr. Gill requested that House Bill No. 917 be taken off notice.

BILLS WITHDRAWN

On motion of Mr. Dills, House Bill No. 1004 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Dills, House Bill No. 1004 was withdrawn from the House.

On motion of Mr. Smith, House Bill No. 1236 was recalled from the Committee on Commerce.

On motion of Mr. Smith, House Bill No. 1236 was withdrawn from the House.

On motion of Mr. Smith, House Bill No. 371 was withdrawn from the House.

On motion of Ms. Montgomery, House Bill No. 839 was recalled from the Committee on Calendar and Rules.

On motion of Ms. Montgomery, House Bill No. 839 was withdrawn from the House.

On motion of Mr. Severance, House Bill No. 280 was recalled from the Committee on Transportation.

On motion of Mr. Severance, House Bill No. 280 was withdrawn from the House.

BILL RE-REFERRED

On motion of Mr. Gill, House Bill No. 512 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Gill, House Bill No. 512 was re-referred to the Committee on Finance, Ways and Means.

LOCAL BILLS REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 796, 1241, 1337, 1339, 1340, 1341, 1342, 1346 and 1347.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, May 5, 1983: House Joint Resolution No. 141; House Bills Nos. 676, 991; House Resolution No. 62; House Bills Nos. 1336, 1335, 1314; House Joint Resolution No. 214; House Bill No. 1319; House Resolution No. 67; House Joint Resolutions Nos. 235, 236; House Bills Nos. 1337, 1338, 1339, 1340, 1341, 1342, 1346, 1347, 1311, 1327, 1241 and 796.

GILL, Chairman.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 512--Jared

House Bill No. 635--Davis (Gibson) (Prime)

House Joint Resolution No. 232--Kent (Prime)

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

24--To regulate operation, mental health institutes;

26--To repeal the Presidential Convention Delegate Act of 1976;

651--To amend Section 2-19-116, Code;

917--To regulate Tennessee Parkway System;

940--To provide supplement, improvement of juvenile court service;

1084--To provide 4 1/2% state retail sales tax rate;

1197--To amend Charter, Murfreesboro; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 49, 138, 172, 173, 174, 175, 176, 183, 185, 188, 191, 193, 194, 195, 196, 198 and 213; also, House Bills Nos. 196, 272, 533, 582, 638, 705, 741, 765, 781, 879, 880, 954, 979, 1021, 1123, 1129, 1136, 1181 and 1183; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 190, 273, 340 and 870; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 740, 1072, 1169, 1285, 1299 and 1333; and House Joint Resolutions Nos. 99, 154, 189, 224, 228, 232, 233, 234, 240, 241, 242, 243, 244, 245, 246, 247 and 248; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

231--Relative to commending Rust Engineering Company; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

9--To authorize State Building Commission, participate in expansion, Mid-South Coliseum;

271--To make certain provisions, constables;

1127--To establish Safe Drinking Water Act;

1158--To impose privilege tax, certain coin-operated amusement devices;

1180--To make certain provisions, rural roads system;

1196--To regulate office, state fire marshal and building regulations;

1304--To regulate Board of Education, Manchester; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT FROM STANDING COMMITTEE

GENERAL WELFARE

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bill No. 1334, and Senate Joint Resolution No. 84.

STARNES, Chairman.

Under the rules, House Bill No. 1334 and Senate Joint Resolution No. 84 were referred to the Committee on Calendar and Rules.

On motion of Mr. Naifeh, the House adjourned until 9:00 a.m. tomorrow.